

IN THE UNITED STATES DISTRICT COURT OF THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

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JACQUELINE PORTER AND
WILLIAM PORTER,

Plaintiffs,

v.

KEITH D. PATERSON; TRAVELERS
INDEMNITY INSURANCE COMPANY;
et al.,

Defendants.

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Case No. 3:06cv373-SRW

ANSWER OF DEFENDANT KEITH D. PATTERSON

Comes now the Defendant Keith D. Patterson (hereinafter, the "Defendant") in the above-styled action and for Answer to the numbered paragraphs of the Complaint previously filed herein states as follows:

PARTIES AND JURISDICTION

1. The Defendant admits Paragraph 1.
2. The Defendant admits Paragraph 2.
3. The Defendant admits Paragraph 3.
4. The Defendant denies Paragraph 4.
5. The Defendant admits that there was a motor vehicle accident on May 2, 2004 on Crawford Road in Russell County, Alabama. The Defendant denies any negligence or wantonness.

COUNT ONE
NEGLIGENCE/WANTONNESS

6. The Defendant reincorporates the answers to the allegations in each of paragraphs 1 through 5 by reference.

7. The Defendant admits that there was a motor vehicle accident on May 2, 2004 on Crawford Road in Russell County, Alabama. The Defendant denies any negligence or wantonness.

8. The Defendant denies Paragraph 8.

9. The Defendant denies Paragraph 9.

In response to the unnumbered paragraph of the Complaint following paragraph 9, the Defendant denies that the Plaintiffs are entitled to a judgment against the Defendant or to any damages or any other relief from the Defendant.

COUNT TWO
NEGLIGENCE/WANTONNESS *PER SE*

10. The Defendant reincorporates the answers to the allegations in each of paragraphs 1 through 9 by reference.

11. The Defendant denies Paragraph 11.

12. The Defendant denies Paragraph 12.

13. The Defendant denies Paragraph 13.

In response to the unnumbered paragraph of the Complaint following paragraph 9, the Defendant denies that the Plaintiffs are entitled to a judgment against the Defendant or to any damages or any other relief from the Defendant.

COUNT THREE
UNINSURED/UNDERINSURED MOTORIST

14. The Defendant reincorporates the answers to the allegations in each of paragraphs 1 through 13 by reference.

15. The Defendant admits that there was a motor vehicle accident on May 2, 2004 on Crawford Road in Russell County, Alabama. The Defendant denies any negligence or wantonness.

16. The allegations of paragraph 16 are denied, in that the Defendant does not have sufficient information to admit or deny the allegations.

17. The allegations of paragraph 17 are denied, in that the Defendant does not have sufficient information to admit or deny the allegations.

18. The allegations of paragraph 18 are denied, in that the Defendant does not have sufficient information to admit or deny the allegations.

19. The allegations of paragraph 19 are denied, in that the Defendant does not have sufficient information to admit or deny the allegations.

In response to the unnumbered paragraph of the Complaint following paragraph 19, the Defendant denies that the Plaintiffs are entitled to a judgment against the Defendant or to any damages or any other relief from the Defendant.

COUNT V
LOSS OF CONSORTIUM

20. The Defendant reincorporates the answers to the allegations in each of paragraphs 1 through 19 by reference.

21. The Defendant denies Paragraph 21.

In response to the unnumbered paragraph of the Complaint following paragraph 21, the Defendant denies that the Plaintiffs are entitled to a judgment against the Defendant or to any damages or any other relief from the Defendant.

AFFIRMATIVE DEFENSES

The Defendant, having fully answered each paragraph of the Complaint, now states the following affirmative defenses to the Complaint:

FIRST DEFENSE


The Defendant pleads the general issue denying each and every material allegation of the Complaint and demanding strict proof thereof.

SECOND DEFENSE

The Defendant alleges that the Plaintiff William Porter's negligence on the occasion complained of proximately caused or contributed to his injuries and damages and the injuries and damages of the Plaintiff Jacqueline Porter; therefore, the Plaintiffs are barred from recovery.

THIRD DEFENSE

The Defendant reserves the right to amend this Answer following additional investigation and discovery.



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Keith D. Patterson

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a correct copy of the foregoing Answer of Defendant Keith D. Patterson upon the following counsel of record, by depositing a copy of same in the United States Mail, properly addressed with first class postage prepaid thereon.

Honorable Douglas J. Fees
Post Office Box 508
Huntsville, AL 35804

Honorable Paige H. Sykes
Rogers & Associates
3000 Riverchase Galleria
Suite 650
Birmingham, AL 35244

This 24th day of April, 2006.



Stanley A. Martin